

REMEDATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR

June 6, 2005

STATE BUDGET UPDATE

The Legislature's Joint Finance Committee (JFC) has acted on the Remediation and Redevelopment Program's budget. Following is a summary of their decisions:

- **Vehicle Environmental Impact Fee** - JFC agreed to continue the \$9 per vehicle environmental impact fee to December 31, 2007. This provides stable funding for an additional two years for Site Assessment Grants (\$1.7 million annually); Greenspace/Public Facility Grants (\$500,000 annually); Commerce Brownfields Grants (\$7 million annually); and staff to support brownfields and other related program activities.
- **Environmental Repair Bonding** - JFC agreed to authorize \$3 million in new bonding authority for state-funded cleanups, which will enable us to continue with projects where the responsible party is unknown, or is unable or unwilling to take action.
- **Drycleaner Environmental Reimbursement Fund (DERF)** - JFC authorized \$1.55 million in increased spending authority to address the backlog for DERF.
- **Position Funding Transfer** - JFC agreed to transfer three positions from program revenue to environmental segregated funding and also transferred 5.5 positions from General Purpose revenue (GPR) to the environmental segregated account. These transfers do not impact the level of staff.

For more information, please see our state budget web page at

http://dnr.wi.gov/org/aw/rr/financial/rr_state_budget.html

BRRTS ON THE WEB ADVANCED SEARCH FEATURES ARE HERE

If you like the upgraded BRRTS on the Web system that we announced last month, we hope you'll like our newest advanced search features even more. You can now design your data searches by looking for:

- activity characteristics, such as dry cleaner sites, above ground tanks, Superfund National Priorities List (NPL), etc;
- starting and ending dates of activities;
- contaminant substances;
- environmental impacts;
- specific actions that occurred, by searching for some specific activity codes;
- petroleum risk category (high, medium, low); and
- words or phrases included in the activity comments.

Our "fuzzy" searching feature, which was deployed last month, helps you find activities when you're unsure of the exact name or address. Just type in a text such as "Jones" or "Main" and BRRTS on the Web will search for entries that include those words. BRRTS on the Web is at <http://botw.dnr.state.wi.us/botw/Welcome.do>

DRY CLEANER REIMBURSEMENT RULE CHANGES

Revisions to NR 169, Wis. Admin. Code, will become effective on August 1, 2005.

Changes to the Dry Cleaner Environmental Response Program rule include extending the deadline for entering the program until August 30, 2008 and new definitions to clarify eligibility. The change that has generated the most interest is a new provision for interim reimbursement of site investigation costs. Currently, site investigation (SI) costs are reimbursed after approval of the complete SI report. The rule revisions will allow an

owner or operator to submit an application for reimbursement prior to approval of the complete SI. Several conditions must be met to obtain interim reimbursements:

- A change order to the SI scope of work must accompany the request and must be approved by the DNR project manager. Change orders are usually submitted if the direction or scope of the investigation changes.
- A progress report of work done to date must be submitted and approved by the DNR project manager.
- The minimum reimbursement request will be \$15,000.
- No more than one reimbursement request may be submitted in a fiscal year (July 1 to June 30).
- No more than three interim reimbursement requests may be made during the SI.

Interim reimbursement requests will be accepted only after the rule becomes effective on August 1. The SI report may be submitted whenever it is completed. Once the report is approved by the DNR project manager, a final request for reimbursement (which may be the fourth SI reimbursement request) may be submitted. There is no restriction on timing of the final SI report or a minimum dollar restriction for the final reimbursement request. We will be updating the program fact sheets this summer to reflect these rule changes and to update other information. For background on these rule changes, please see http://dnr.wi.gov/org/aw/rr/wi_regs/index.htm#database. For more information about the dry cleaner reimbursement program, please see <http://dnr.wi.gov/org/aw/rr/financial/dryclean.html>.

EVALUATION OF THE VAPOR MIGRATION PATHWAY

Vapor migration has become an issue of concern across the nation. Vapor migration means that contaminants are moving in vapor form. Vapor intrusion means that these vapors have moved into enclosed structures and may present a health hazard. Vapor migration is an exposure pathway that needs to be evaluated just like other pathways such as groundwater and direct contact with contaminated soil. This does not mean that vapor sampling is always needed, but that the potential for vapor migration and vapor intrusion must be evaluated. Vapor intrusion can present threats to human health comparable to threats posed by contaminated water supplies, but has received much less attention for pathway identification, risk assessment, and remedial action. There have been several instances in Wisconsin where high levels of chlorinated compounds were found in soil or groundwater adjacent to or directly below an enclosed structure, but the consultant did not evaluate the vapor migration pathway in the site investigation.

In Wisconsin, chapter NR 716 of the administrative code requires responsible parties to ensure that the scope and detail of the of their field investigations are appropriate to the complexity of the site. In particular, s. NR 716.07(7) requires evaluation of potential impacts to receptors. Section NR 716.11(3)(a) specifies that the purpose of the field investigation is to “determine the nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media”. Sections NR 716.11(5)(a) and (b) say "The field investigation shall include an evaluation of all the following items:

- (a) Potential pathways for migration of the contamination, including drainage improvements, utility corridors, bedrock and permeable material or soil along which vapors, free product or contaminated groundwater may flow.
- (b) The impacts of the contamination upon receptors."

Responsible parties and environmental professionals should expect to evaluate the vapor migration pathway in site investigations where the contaminants include volatile compounds. U.S. EPA has developed a document titled: "Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance)", on the web at <http://www.epa.gov/correctiveaction/eis/vapor.htm>. The EPA guidance is very comprehensive and DNR encourages responsible parties and environmental professionals to utilize the portions of this document that are applicable to specific projects. This should reduce potential failures to evaluate the vapor migration pathway. If you have questions regarding whether your site may need a vapor migration evaluation, please contact your regional project manager. If you have general questions on vapor intrusion please contact Terry Evanson, DNR at Theresa.Evanson@dnr.state.wi.us or at 608-266-0941.